

ORDINANCE NO. 821

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANT HILL  
AMENDING CHAPTER 17.50 OF THE PLEASANT HILL MUNICIPAL CODE  
(RESIDENTIAL CONDOMINIUM CONVERSIONS), ADDING CHAPTER 17.52  
(COMMERCIAL CONDOMINIUMS) AND CHAPTER 17.54 (COMMERCIAL  
CONDOMINIUM CONVERSIONS) AND MAKING OTHER MINOR CONFORMING  
CHANGES TO THE MUNICIPAL CODE

WHEREAS, the Pleasant Hill Municipal code contains provisions within the subdivision ordinance regarding residential condominium conversions but does not contain any provisions regarding commercial condominiums; and

WHEREAS, there appears to be an increase state-wide in residential condominium conversions, and in commercial condominiums and conversions; and

WHEREAS, the existing subdivision ordinance does not adequately regulate residential condominium conversions, or commercial condominiums and conversions; and

WHEREAS, City staff has proposed amendments to the subdivision ordinance in these areas; and

WHEREAS, the Planning Commission considered the subject of residential condominium conversions at study sessions held on May 9, 2006, July 26, 2006, August 22, 2006 and commercial condominiums and commercial condominium conversions on October 10, 2006; and

WHEREAS, the City Council considered the subject of residential condominium conversions, commercial condominiums and commercial condominium conversions at a public hearing on April 16, 2007 and continued to July 2, 2007; and

WHEREAS, a Notice of Intent to issue a Negative Declaration was posted at the County Clerk's office of Contra Costa County on January 23, 2007, published in the Contra Costa Times on January 24, 2007 and circulated for public review between January 24, 2007 and February 26, 2007; and

WHEREAS, the Negative Declaration contemplated amendments to the City's residential condominium conversion ordinance and the addition of provisions for commercial condominium and commercial condominium conversions and their impacts on the environment; and

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing on the proposed ordinance was held by the Planning Commission on February 27, 2007, where all interested persons might appear and be heard; and

WHEREAS, the Planning Commission evaluated the proposed ordinance for compliance with the General Plan; and

WHEREAS, the Planning Commission adopted Resolution No. 05-07 recommending that the City Council approve the Negative Declaration and adopt the proposed amendments.

NOW, THEREFORE, the City Council of the City of Pleasant Hill does ordain as follows:

**Section 1.** The City Council hereby certifies and adopts the Initial Study and Negative Declaration based on the following findings:

1. The Negative Declaration and its conclusions reflect the independent judgment of the City Council.
2. The Negative Declaration is in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City's local CEQA Guidelines, and adequately addresses the expected environmental impacts of the proposed ordinance.
3. The City Council finds that there is no substantial evidence supporting a fair argument that the project will have a significant adverse effect on the environment.
4. Pursuant to Title XIV, California Code of Regulations ("CCR"), the City Council has determined that, after considering the record as a whole, the proposed project will not have the potential for any adverse effect on wildlife resources or the habitat upon which the wildlife depends as defined in Fish and Game Code § 711.2.

**Section 2.** Section 17.15.010, Zoning administrator, Subsection I, is amended to read as follows:

**"17.15.010 Zoning administrator.**

The responsibilities of the zoning administrator include:

...

- I. For subdivisions of four or fewer parcels, approving, conditionally approving or denying applications for tentative maps, except for residential or commercial condominium conversions under Chapters 17.45 and 17.54, respectively;"

..."

**Section 3.** Section 17.15.020, Planning commission, Subsection A, is amended to read as follows:

**"17.15.020 Planning commission.**

The planning commission is designated as the advisory agency regarding subdivisions under the Subdivision Map Act. It has the powers and duties provided in the Subdivision Map Act and this title including:

A. For subdivisions of five or more parcels, and for commercial condominium conversions of any size (under Chapter 17.54), approving, conditionally approving or denying applications for tentative maps;

...”

**Section 4.** Section 17.15.030, City Council, is amended to read as follows:

**“17.15.030 City council.**

The city council has the powers and duties provided by law and this title, including:

A. Approving final subdivision maps and improvement agreements;

B. Accepting land or improvements which are proposed for dedication;

C. Acting as the appeal board for hearing appeals of planning commission actions, including actions on tentative maps;

D. Approving residential condominium conversions under Chapter 17.50; and

E. Establishing any inspection and processing fees necessary to implement the provisions of this title.”

**Section 5.** Chapter 17.45, Condominiums, of the Pleasant Hill Municipal Code is renamed Residential Condominiums.

**Section 6.** Chapter 17.50, Condominium Conversions, of the Pleasant Hill Municipal Code is renamed Residential Condominium Conversions, and Section 17.50.015 is added and Sections 17.50.030, 17.50.040 and 17.50.070 are amended to read as set forth in the attached Exhibit A.

**Section 7.** A new Chapter 17.52, Commercial Condominiums, is added to the Pleasant Hill Municipal Code to read as set forth in the attached Exhibit B.

**Section 8.** A new Chapter 17.54, Commercial Condominium Conversions, is added to the Pleasant Hill Municipal Code to read as set forth in the attached Exhibit C.

**Section 9.** Chapter 17.10, Definitions, is amended by adding and amending the following definitions in alphabetical and numerical order:

**“17.10.045 Association.**

*Association* means a nonprofit corporation or unincorporated association created for the purpose of managing a condominium or other common interest development. (Civil Code §1351.)”

**“17.10.090 Condominium.**

*Condominium* means an estate in real property consisting of an undivided interest in common in a portion of the property together with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map or condominium plan. The condominium may be residential or commercial. A commercial condominium includes a commercial, industrial or any non-residential condominium. (Civ. Code §§ 783, 1351(f).)”

**“17.10.145 Declaration.**

*Declaration* means the document (covenants, conditions and restrictions (CC&Rs), or however titled) which contains the restrictive covenants of the development, consistent with California Civil Code Section 1353.”

**“17.10.155 Department.**

*Department* means the public works and community development department.”

**Section 10.** All requests from existing or pending residential condominium conversion applicants to be exempt from this ordinance are denied.

**Section 110.** This ordinance shall be effective 30 days after its adoption.

**Section 124.** Within fifteen days after the passage of this ordinance, the City Clerk shall cause it to be posted in the four places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Pleasant Hill held on the 2nd day of July, 2007.

ADOPTED and ordered posted at a meeting of the City Council of the City of Pleasant Hill, held on the 16th day of July, 2007, by the following vote:

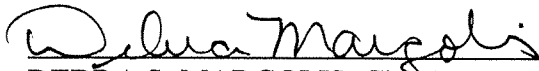
AYES:	Hanecak, Harris, Williamson, Durant
NOES:	None
ABSENT:	Angeli
ABSTAIN:	None

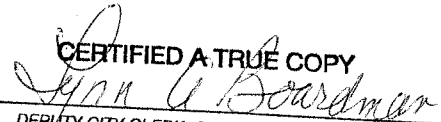
  
DAVID E. DURANT, Mayor

ATTEST:

  
MARTY C. McINTURF, City Clerk

APPROVED AS TO FORM:

  
DEBRA S. MARGOLIS, City Attorney

  
CERTIFIED A TRUE COPY  
DEPUTY CITY CLERK, CITY OF PLEASANT HILL

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**Ordinance No. \_\_\_\_\_, Exhibit A**  
**Chapter 17.50, Residential Condominium Conversions**

1. Chapter 17.50, Condominium Conversions, of the Pleasant Hill Municipal Code is renamed Residential Condominium Conversions.
2. Section 17.50.060, Effect of proposed conversion on the city's low- and moderate-income housing supply, is deleted.
3. A new Section 17.50.015, Definitions, is added to read as follows:

**"17.50.015 Definitions.**

In this chapter, terms have the meaning set forth in PHMC Chapter 17.10, Definitions. In particular, see the definitions for *Condominium*, *Conversion* and *Department*."

4. Subsection A of Section 17.50.030, Procedures [for residential condominium conversions], is amended to read as follows:

**"17.50.030 Procedures.**

A. Subdivision procedures. Under Government Code section 66426, a condominium conversion is treated as a subdivision subject to the provisions of the Subdivision Map Act and this title. The city council is the approving body for a residential condominium conversion."

5. Section 17.50.040 is amended to read as follows:

**"17.50.040 Standards for residential condominium conversion.**

The following standards apply to a residential condominium conversion. These standards must be satisfied, or security provided in a form approved by the city attorney, before the final map is approved.

- A. Preserving rental housing. No residential condominium conversion is allowed if:
1. the percentage of rental apartments to the total city housing stock falls below 20%; or
  2. the rental apartment vacancy rate in the city is below 5%.

The apartment vacancy rate shall be determined by a survey of existing apartments within three months after the application is deemed complete. The survey shall include a representative sample of six apartment complexes of between 10-99 units and four apartment complexes of 100 or more units. The city staff shall complete the survey at the applicant's expense.

- B. Building regulations. The project shall conform to the applicable standards of the city building code in effect at the time the last building permit was issued.

C. Fire prevention.

1. Fire-warning systems. Each living unit shall be provided with a fire-warning system conforming to the adopted building code standards in type and locations.
2. Maintenance of fire protection systems. All fire hydrants, fire alarm systems, portable fire extinguishers and other fire-protective appliances shall be retained in an operable condition at all times.

D. Sound transmission.

1. Vibration transmission. All permanent mechanical equipment (such as motors, compressors, pumps and compactors) which is determined by the chief building official to be a source of structural vibration or structural-borne noise shall be vibration-isolated with inertia blocks or bases or vibration isolator springs in a manner approved by the chief building official.
2. Noise standards. The structures shall conform to all interior and exterior sound transmission standards of the city building code. Where present standards cannot reasonably be met, the city council may require the applicant to notify potential buyers of the noise deficiency currently within the unit.

E. Utility metering. Each dwelling unit shall be separately metered for gas and electricity.

F. Open Space. Total usable open space on a site having three or more dwelling units shall be at least 200 square feet per dwelling unit. This requirement shall be met by providing private open space, shared open space or a combination of the two.

1. Private open space. To satisfy the open space requirement, private open space must be on a patio or balcony, within which a horizontal rectangle inscribed within it has no dimension less than six feet.
2. Shared open space. To satisfy the open space requirement, shared open space must be provided by interior side yards, patios, and terraces, each designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet. The open space must be open to the sky, and may not include driveways or parking areas, or area required for front or corner side yards.

If the subdivider can demonstrate that this standard can not reasonably be met, the city council may modify this standard if it finds that: (1) strict compliance is not feasible because of the physical constraints of the existing site or building; and (2) the modification will not have a detrimental effect on the site or surrounding properties.

G. Landscaping. Landscaping shall be provided in accordance with the zoning ordinance for townhouse and condominium projects (Section 18.20.030). A minimum of 50% of the required front yard shall be maintained as landscape area. If the subdivider can demonstrate that this standard cannot reasonably be met, the city council may modify this standard if it finds that: (1) strict compliance is not feasible because of the physical constraints of the existing site or building; and (2) the modification will not have a detrimental effect on the site or surrounding properties.

All landscaping shall be restored or new landscaping shall be installed to achieve a high



degree of appearance and quality. Provisions shall be made for continuing maintenance of all landscaped areas. Existing landscaping is subject to review and approval by the zoning administrator. The design of any new landscaping is subject to review and approval of the architectural review commission. The property owner shall be required to enter into and record a landscape maintenance agreement.

H. Private storage space. Each unit shall have a minimum of 200 cubic feet with no less than 24 square feet of enclosed weatherproofed and lockable private storage space in addition to guest, linen, pantry, and clothes closets customarily provided. The space shall be provided in any location approved by the zoning administrator, but shall not be divided into two or more locations. If the subdivider can demonstrate that this standard cannot reasonably be met, the city council may modify this standard if it finds that: (1) strict compliance is not feasible because of the physical constraints of the existing site or building; and (2) the modification will not have a detrimental effect on the site or surrounding properties.

I. Laundry facilities. A laundry area shall be provided in each unit unless the city council approves a common laundry area. If a common laundry area is provided, it shall consist of not less than one automatic washer and one automatic dryer for each five dwelling units or fraction thereof. If the subdivider can demonstrate that this standard cannot reasonably be met, the city council may modify this standard if it finds that: (1) strict compliance is not feasible because of the physical constraints of the existing site or building; and (2) the modification will not have a detrimental effect on the site or surrounding properties.

J. Parking. Off-street parking shall be provided as required by the zoning ordinance for townhouse and condominium projects (Section 18.55.030).

K. Refurbishing and restoration. Each main building, structure, fence, patio enclosure, carport, accessory building, sidewalk, driveway, landscaped area, utilities, and additional element as required by the zoning administrator shall be refurbished and restored as necessary to achieve a high degree of appearance, quality and safety. The refurbishing and restoration is subject to review and approval by the zoning administrator.

L. Screening of mechanical units. Screening of mechanical units and utility meters shall be provided as required by the zoning ordinance (Section 18.50.090).

M. Refuse storage areas. Refuse storage areas shall be screened on all sides by a six-foot high solid wood or masonry wall or located within a building. However, this requirement does not apply to a duplex.

N. Reserves for capital maintenance replacement. Before approval of the final map, the subdivider shall provide to the zoning administrator evidence of the establishment of a fund in the name of the homeowners' association. The funds shall be earmarked for long-term reserves for capital and maintenance replacement and shall be equal to twice

the estimated monthly assessment for all dwelling units.

O. Affordable housing. All residential condominium conversions shall provide affordable housing in conformance with the inclusionary housing requirements, Section 18.20.060.”

6. Section 17.50.070 is amended to read as follows:

**“17.50.070 Findings.**

The city council may not approve an application for condominium conversion unless it finds in the approving resolution that the proposed conversion:

- A. Conforms to the requirements of this chapter;
- B. Is consistent with the Pleasant Hill general plan and current zoning regulations;  
and
- C. Satisfies the requirements of Government Code section 66427.1 (regarding notice to tenants).”

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**Ordinance No. \_\_\_, Exhibit B**  
**Chapter 17.52, Commercial Condominiums**

**“Chapter 17.52**  
**COMMERCIAL CONDOMINIUMS**

Sections:

17.52.010 Purpose.

17.52.020 Definitions.

17.52.030 Application requirements.

17.52.040 Standards.

**17.52.010 Purpose.**

Commercial condominium projects differ from other commercial subdivisions in numerous respects, particularly as to development standards and ownership of individual units and jointly held common areas. The purpose of this chapter is to address the special attributes of condominium subdivisions and to adopt development standards which will protect both the community and the purchasers of condominium units. This chapter applies to commercial and industrial condominiums. (Section 66427)

If a commercial condominium is proposed in combination with a residential condominium, the requirements of this chapter and Chapter 17.45 shall be read together, with the relevant requirements applying to the portions of the project.

**17.52.020 Definitions.**

In this chapter, terms have the meaning set forth in PHMC Chapter 17.10, Definitions. In particular, see the definitions for *Association*, *Condominium*, *Commercial condominium*, *Declaration* and *Department*.

**17.52.030 Application requirements.**

In addition to standards applicable to regular subdivisions, no new commercial condominium project or portion thereof shall be approved unless the following items have been submitted with the tentative map and approved by the city:

A. A development plan of the project including location and sizes of structures, exterior elevations, parking layout, and access areas;

B. A preliminary landscaping plan of the project indicating types and sizes of landscaping materials and permanent irrigation facilities, prepared by a person licensed to prepare such plans by the state of California;

- C. A preliminary lighting plan of the project indicating location and nature of lighting and lighting fixtures in common areas;
- D. The proposed condominium documents, including those portions of the covenants, conditions, and restrictions that apply to the conveyance of units, the prohibition of the assignment of parking and a proposed mechanism for resolving parking issues, and the management and maintenance of common areas and improvements; and
- E. Such other information which the department determines is necessary to evaluate the proposed project.

#### **17.52.040 Standards.**

A commercial condominium subdivision map may be approved, conditionally approved, or denied, based upon an evaluation of the proposed condominium plan in relation to the following criteria:

- A. Architectural and site design. Architectural evaluation shall include but not be limited to the following:
  - 1. The general appearance of the proposed development shall contribute to the orderly and harmonious development of the community as a whole;
  - 2. The design of all exterior surfaces of the buildings shall create an aesthetically pleasing project; and
  - 3. General architectural and site considerations, including site layout, topography, open space, location of buildings, access, circulation, colors, building materials, screening, lighting and signing and similar elements have been designed to provide a desirable environment. The design should minimize visibility of service areas (trash, delivery, outdoor storage, loading areas), backflow prevention devices, and other utilities from public areas.
- B. Environmental preservation. The design, location and orientation of all buildings shall be arranged to preserve natural features by minimizing the disturbance to the physical environment. Natural features such as trees, waterways, historic landmarks, or slopes shall be delineated in the development plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, parking areas, and finished grade elevations.
- C. Landscaping.
  - 1. All setback areas fronting on or visible from an adjacent public street, and all open space areas shall be landscaped in an attractive manner. The developer shall provide a method assuring landscape maintenance.
  - 2. Decorative design elements such as fountains, pools, benches, sculpture, planters, and similar elements may be permitted providing such elements are incorporated as a part of the landscaping plans, except where otherwise prohibited.
  - 3. Permanent and automatic irrigation facilities shall be provided in all planted landscaped areas.

4. Landscaping requirements shall be consistent with the zoning district in which the project is located.
  5. The property owner shall be required to enter into and record a landscape maintenance agreement.
- D. Lighting. The subdivider shall install an on-site lighting system on all vehicular access ways and along major walkways. Such lighting shall be directed onto the driveways and walkways within the development, and located and shielded to eliminate off-site glare. Lighting shall also be installed within all covered and/or enclosed parking areas.
- E. Lot coverage. Lot coverage shall conform to requirements of the zoning district in which the condominium is proposed.
- F. Open space – common. Common open space areas shall be designed and located within the project to afford use by all owners of the project.
- G. Minimum parking requirements. Off-street parking shall be provided as required by PHMC Chapter 18.55 for commercial and industrial sites. Parking areas shall be held in common and no assigned parking is allowed.
- H. Trash and recycling collection area. Trash and recycling collection areas shall be provided within 250 feet of the units they are designed to serve, and sized appropriately to accommodate trash and recycling. Such areas shall be enclosed within a building or screened with masonry walls six feet or higher to screen trash receptacles. Materials other than masonry may be used when specifically approved by the architectural review commission when the commission finds that due to extenuating circumstances regarding location, such as the proximity to underground utilities, the footing for masonry construction would be a detriment to such utilities. Access gates or doors to any trash area, not enclosed within a building, are to be of opaque material. The design of collection areas shall comply with PHMC section 18.50.070.
- I. Signage. The property owners shall apply for and obtain a master sign permit under Section 18.60.080 before any permanent sign is placed.
- J. Streets. The width of the public rights-of-way and roadway of the street(s) abutting the property shall conform to the minimum standard of the transportation element of the general plan.
- K. Declaration. The declaration shall include an agreement forming a condominium association, and providing for common area maintenance, a clear designation of parking and signage rights, and a method for resolving differences. The declaration shall include a provision substantially as follows:

The City of Pleasant Hill Municipal Code, Title 18, Planning and Land Use, regulates (1) the uses of property and required parking and (2) allowable signage. No assigned parking is allowed. (PHMC § 17.52.040.) If a Master Sign Program does not currently exist for the property, the property owners must apply for and obtain a master sign permit under

PHMC sec. 18.60.080 before a permanent sign is placed, and any changes must be consistent with the master sign permit. The City has the right to enforce violations of its Municipal Code or conditions for this condominium project against all property owners. This provision may not be modified without the written consent of the city.

The city has the right to review and approve the final declaration to ensure that (1) the appropriate conditions of approval are included in them, and (2) those provisions reflecting the city's conditions may not be amended without city approval.

L. Structural and electrical. A commercial condominium project is to be subject to the structural requirements contained in PHMC Title 14, Buildings and Construction. Each unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit. The panel shall be accessible without leaving the unit.

M. Reserves for capital maintenance replacement. Before approval of the final map, the subdivider shall provide to the zoning administrator evidence of (1) the establishment of a reserve account fund in the name of the condominium association, and (2) a reserve study showing the amount which must be set aside monthly for the reserve account. The funds shall be earmarked for long-term reserves for capital and maintenance replacement.”

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**Ordinance No. \_\_\_\_, Exhibit C**  
**Chapter 17.54, Commercial Condominium Conversions**

**“Chapter 17.54**  
**COMMERCIAL CONDOMINIUM CONVERSIONS**

Sections:

- 17.54.010 Purpose.
- 17.54.020 Definitions.
- 17.54.030 Application requirements.
- 17.54.040 Procedures.
- 17.54.050 Standards.
- 17.54.060 Findings.

**17.54.010 Purpose.**

Commercial condominium projects differ from other commercial subdivisions in numerous respects, particularly as to development standards and ownership of individual units and jointly held common areas. The purpose of this chapter is to address the special attributes of condominium conversions and to adopt development standards which will protect both the community and the purchasers of condominium units. This chapter applies to commercial and industrial condominium conversions. (Gov’t. Code §66427.)

**17.54.020 Definitions.**

In this chapter, terms have the meaning set forth in PHMC Chapter 17.10, Definitions. In particular, see the definitions for *Association*, *Condominium*, *Commercial condominium*, *Conversion*, *Declaration* and *Department*.

**17.54.030 Application requirements.**

In addition to the other subdivision requirements and procedures, a conversion is subject to the requirements in this chapter. An application for approval of a tentative map for the commercial condominium subdivision shall be accompanied by the following items:

- A. Physical elements report. A report on the physical element of each structure and facility, which shall include, but not be limited to, the following:
  - 1. A report detailing the structural condition of each element of the property, including foundation, electrical, plumbing, utilities, walls, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities, and appliances. Regarding each element, the report shall state, to the best knowledge or estimate of the applicant, when the element was constructed or installed;

when the element was last replaced; the approximate date upon which the element will require replacement; the cost of replacing the element; and any variation of the physical condition of the element from the zoning and building code in effect on the date that the last building permit was issued for the structure. The report shall identify each known defective or unsafe element and set forth the proposed corrective measures to be employed;

2. A report from a licensed structural pest control operator, approved by the city, on each structure and each unit within the structure;

3. A report on the condition of the common area improvements, including landscaping, lighting, utilities and streets;

4. A report on any known soil and geological conditions regarding soil deposits, rock formation, faults, groundwater, and landslides in the vicinity of the project, and a statement regarding any known evidence of soils problems relating to the structure. Reference shall be made to any previous soils report for the site and a copy submitted with the report; and

5. A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance, quality and safety.

B. Notice to tenants. Evidence of written notice provided to each tenant explaining that the owner intends to apply to the city for a condominium conversion, and advising the tenants that the city will notify the tenants before any hearing is held on the application. The notice to tenants must be sent at least six months before the application is submitted to the city, and further notice must be given to any tenant who occupies the building after the original notice was sent.

C. Plot plan and description. A plot plan and description of the project, including:

1. the location and sizes of existing and proposed structures, including the square footage of each building and each unit;

2. type of business for each existing tenant;

3. parking layout and access areas, including total number of parking spaces (identifying compact spaces) and loading spaces;

4. landscaping, including percentage of total site landscaped;

5. a proposal for allocation of signage, based on the sign requirements of PHMC Chapter 18.60 and any existing master sign program;

6. in the RB and LI zoning districts, a plan showing units that are designated to have office uses as an option. In those districts, the total square footage of office space may not exceed 25% without a use permit, under PHMC §18.25.020.

7. sewer, water and storm drains; and

8. any other information required by the department.

D. Proposed declaration. A proposed declaration, as required by California Civil Code Section 1353. The declaration shall include an agreement forming a condominium association; and providing for common area maintenance, a clear designation of parking and signage rights, and a method for resolving differences. The declaration shall include a provision substantially as follows:



The City of Pleasant Hill Municipal Code, Title 18, Planning and Land Use, regulates (1) the uses of property and required parking and (2) allowable signage. No assigned parking is allowed. (PHMC § 17.52.040.) If a Master Sign Program does not currently exist for the property, the property owners must apply for and obtain a master sign permit under PHMC sec. 18.60.080 before a permanent sign is placed, and any changes must be consistent with the master sign permit. The City has the right to enforce violations of its Municipal Code or conditions for this condominium project against all property owners. This provision may not be modified without the written consent of the city.

The city has the right to review and approve the final declaration to ensure that (1) the appropriate conditions of approval are included in them, and (2) those provisions reflecting the city's conditions may not be amended without city approval.

#### **17.54.040 Procedures.**

A. Subdivision procedures. Under Government Code Section 66426, a condominium conversion is treated as a subdivision subject to the provisions of the State Map Act and this title. The city council has the authority to approve, conditionally approve or deny a tentative map for a condominium conversion of any size. (PHMC §17.15.020.)

B. Acceptance of reports – copy to buyers. The final form of the reports and other documents required under PHMC §17.54.030 shall be as approved by the city. The reports in their accepted form shall remain on file with the department for review by the public. The subdivider shall provide each purchaser with a copy of the reports (in their final, accepted form).

C. Inspection and fees. Before submitting the final map, the owner shall request that an inspection of the premises be made by the department for conformance to PHMC §17.54.050. A project inspection shall be made by the building official, the zoning administrator and the city engineer. The inspection shall include structures, common areas, site improvements, public improvements and other related facilities. A deficiency list shall be compiled during the inspection of all corrections required to conform to the requirements of this section, PHMC §17.54.050 and other code requirements.

When the final inspection is complete, a copy of the deficiency list shall be transmitted to the subdivider. All deficiencies must be corrected to the satisfaction of the city before filing of the final map or parcel map. When plans for corrective work are required, they shall be as approved by the appropriate city official listed above before filing of the final map or parcel map.

The city shall charge the usual fees, if applicable, or an hourly fee (estimated actual hourly cost to the city) for the inspection and processing. The owner shall post a cash deposit in an amount equal to the estimated cost of inspection. The deposit will be applied towards the inspection fee with any refund or balance due to be resolved before the approval of the final map by the city council. Any balance due shall be paid before recordation of the final map.

#### **17.54.050 Standards.**

The following standards apply to a condominium conversion. These standards must be satisfied, or security provided in a form approved by the city attorney, before the final map or parcel map is approved.

- A. Building regulations. The project shall conform to the applicable standards of the city building code in effect at the time the last building permit was issued.
- B. Fire prevention.
  - 1. Fire warning systems. Each unit shall be provided with a fire-warning system conforming to the city building code standards in type and locations.
  - 2. Maintenance of fire protection systems. All fire hydrants, fire alarm systems, portable fire extinguishers and other fire-protective appliances shall be retained in an operable condition at all times.
- C. Sound transmission.
  - 1. Vibration transmission. All permanent mechanical equipment (such as motors, compressors, pumps and compactors) which is determined by the building official to be a source of structural vibration or structural-borne noise shall be vibration isolated with inertia blocks or bases or vibration isolator springs in a manner approved by the building official.
  - 2. Noise standards. The structures shall conform to all interior and exterior sound transmission standards of the city building code. Where present standards cannot reasonably be met, the city council may require the applicant to notify potential buyers of the noise deficiency currently within the unit.
- D. Utility metering. Each unit shall be separately metered for gas, electricity and water, unless the declaration provides for the association to take responsibility for these.
- E. Landscaping. Landscaping shall be provided in accordance with the zoning ordinance as provided in Schedule 18.25.030. In addition, a continuous planting area having at least a minimum width of five feet and at least five trees per 100 linear feet shall be provided along interior property lines adjoining an R district. If the subdivider can demonstrate that this standard can not reasonably be met, the city council may modify this standard if it finds that: (1) strict compliance is not feasible because of the physical constraints of the existing site or building; and (2) the modification will not have a detrimental effect on the site or surrounding properties.

All landscaping shall be restored or new landscaping shall be installed to achieve a high degree of appearance and quality. Provisions shall be made in the declaration for continuing maintenance of all landscaped areas. Existing landscaping is subject to review and approval by the department. If new landscaping is proposed, the design of all landscaping is subject to review

and approval of the architectural review commission. The property owner shall be required to enter into and record a landscape maintenance agreement.

F. Parking. Off-street parking shall be provided as required by PHMC Chapter 18.55 for commercial and industrial projects.

G. Screening of mechanical units. Screening of mechanical units and utility meters shall be provided as required by the zoning ordinance (Section 18.50.090).

H. Refuse storage areas. Refuse storage areas shall be screened on all sides by a six-foot high solid wood or masonry wall, or located within a building.

I. Refurbishing and restoration. Each main building, structure, fence, accessory building, sidewalk, driveway, landscaped area, utilities, and additional element as required by the department shall be refurbished and restored as necessary to achieve a high degree of appearance, quality and safety. The refurbishing and restoration is subject to review and approval by the city.

J. Reserves for capital maintenance replacement. Before approval of the final map, the subdivider shall provide to the zoning administrator evidence of (1) the establishment of a fund in the name of the condominium association, and (2) a reserve study showing the amount which must be set aside monthly for the reserve account. The funds shall be earmarked for long-term reserves for capital and maintenance replacement.

#### **17.54.060 Findings.**

The planning commission may not approve an application for commercial condominium conversion unless it finds in the approving resolution that the proposed conversion:

A. Conforms to the requirements of this Title 17;

B. Is consistent with the Pleasant Hill general plan and PHMC Title 18, Planning and Land Use.”

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